

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Document Relates To:

Bellwether II Cases

_____/

**JOINT STIPULATION REGARDING SCHEDULING ORDER FOR
BELLWETHER II TRIAL**

Bellwether II Plaintiffs (“Plaintiffs”) and Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (collectively, “VNA”) hereby stipulate and agree to modify and extend the current schedule for the Bellwether II Trial (ECF No. 2685) as set forth herein. Since the parties selected the 14 Pool Three Plaintiffs for further discovery on March 22, 2024, the parties have been diligently working to schedule and complete the depositions of the Pool Three Plaintiffs and various fact witnesses. Due to delays in the receipt of medical records for certain of the Pool Three Plaintiffs, the volume and availability of fact witnesses, and resulting scheduling difficulties, the parties will be unable to complete all depositions by the current August 13, 2024 merits discovery deadline.

Specifically, in addition to the depositions of the 14 BWII Plaintiffs, there were over 30 fact witnesses identified in discovery as individuals with knowledge relevant to the Plaintiffs' claims that needed to be deposed. The depositions of 12 of the 14 BWII Plaintiffs and several fact witnesses have been completed.

Over the course of the past several months, the parties have worked cooperatively to schedule and complete these depositions in a timely manner. Plaintiffs' counsel agreed to coordinate the depositions for not only the Plaintiffs, but also the related fact witnesses (both represented and non-represented) and VNA was ready and willing to take all necessary depositions as they were offered. However, despite efforts, over 20 fact witnesses remain to be deposed. VNA is also still awaiting dates from Plaintiffs' counsel to complete the depositions of the remaining two BWII Plaintiffs. An extension is needed to enable the parties to obtain and review the outstanding records for the BWII Plaintiffs and complete the remaining depositions of such Plaintiffs and related fact witnesses.

Pursuant to the Court's instructions of August 14, 2024, via email, the current schedule for the Bellwether II Trial (ECF No. 3000) will be amended as follows:

Event	Current Deadline	Proposed Deadline
Merits discovery complete for Pool Three Claimants.	August 13, 2024	September 12, 2024
Plaintiffs to provide expert disclosures and reports. The Plaintiffs shall include in the disclosure three dates on which each expert is available for	August 16, 2024	September 16, 2024

Event	Current Deadline	Proposed Deadline
deposition within sixty (60) days of the disclosure. All plaintiffs alleging personal injuries must be available for Rule 35 examinations starting ten (10) days after plaintiffs' expert disclosures and reports are served.		
Defendants to provide expert disclosures and reports. The Defendants will include in the disclosure three dates on which each expert is available for deposition within sixty (60) days of the disclosure.	November 15, 2024	December 16, 2024
Plaintiffs to provide expert rebuttal reports.	January 3, 2025	February 4, 2025
Defendants to provide expert rebuttal reports.	January 24, 2025	February 24, 2025
Reply expert report depositions.	Jan 27 to Jan 30, 2025	Feb 26 to Feb 28, 2025
The parties each identify two (2) plaintiffs, for a total of four (4), to continue to Pool Four.	February 3, 2025	March 5, 2025
Daubert and Summary Judgment Motions	March 3, 2025	April 2, 2025
Daubert and Summary Judgment Response Briefs	April 15, 2025	May 15, 2025
Daubert and Summary Judgment Reply Briefs	May 15, 2025	June 13, 2025
Oral Argument on Daubert Motions	June 5, 2025	July 7, 2025
Oral Argument on Summary Judgment Motions	June 9, 2025	July 9, 2025
Deadline for Parties to Submit Joint Proposed Jury Questionnaire to the Court (via e-mail)	June 17, 2025	July 17, 2025
Status Conference on Jury Questionnaire Content	June 24, 2025	July 24, 2025
Motions in Limine – Opening briefs	July 15, 2025	August 14, 2025
Motions in Limine – Response briefs	July 31, 2025	August 29, 2025

Event	Current Deadline	Proposed Deadline
Motions in Limine – Reply Briefs	August 14, 2025	September 12, 2025
Deadline for Parties to Ship 200 copies of Juror Questionnaires to Judge Levy’s Chambers in Ann Arbor, Michigan	August 4, 2025	September 3, 2025
Deposition Designations (due for exchange between parties)	Parties to propose deadline	Parties to propose deadline
Objections to Deposition Designations and Counter-Designations (due for exchange between parties)	Parties to propose deadline	Parties to propose deadline
Hearing on motions in limine (the Court will notify the parties in advance as to which motions will be argued)	August 28, 2025	September 26, 2025
Summoned Jurors to Courthouse to Answer Questionnaires (Court Staff Only) (Jury Department takes approximately one week to process questionnaires and make them available to counsel and the Court)	August 11, 2025	September 10, 2025
Deadline for Submitting Deposition Designations Matrices and Highlighted Transcripts to the Court (via e-mail)	September 2, 2025	October 1, 2025
Parties to File Jointly Proposed Jury Instructions and Verdict Form	August 18, 2025	September 17, 2025
Parties to Submit Joint Final Pretrial Order (use Utilities function in CM/ECF and e-mail)	August 18, 2025	September 17, 2025
Parties to Submit Jointly Proposed Voir Dire Questions and Joint Statement of the Case (via e-mail)	August 25, 2025	September 24, 2025
Status Conference Regarding Excusals Based on Jury Questionnaire Responses	TBD	TBD
Final Pretrial Conference and Hearing on proposed Jury Instructions and Verdict Form	August 25, 2025	September 24, 2025

Event	Current Deadline	Proposed Deadline
Deadline for Court to Inform Jury Dept of Excusals Based on Questionnaires (Court Staff Only)	September 5, 2025	October 6, 2025
Hearing Regarding Misc. Pretrial Matters (if needed)	September 12, 2025	October 13, 2025
First Day of Trial/Voir Dire	September 15, 2025	October 15, 2025

Dated: August 15, 2024

Respectfully submitted,

CAMPBELL CONROY &
O'NEIL, P.C.

MAYER BROWN LLP

/s/ James M. Campbell

James M. Campbell
Alaina N. Devine
20 City Square, Suite 300
Boston, MA 02129
(617) 241-3000
jmcampbell@campbell-trial-lawyers.com
adevine@campbell-trial-lawyers.com

/s/ Michael A. Olsen

Michael A. Olsen
71 S. Wacker Drive
Chicago, IL
(312) 782-0600
molsen@mayerbrown.com

***ATTORNEYS FOR VEOLIA WATER NORTH AMERICA OPERATING
SERVICES, LLC, VEOLIA NORTH AMERICA, LLC, AND VEOLIA NORTH
AMERICA, INC.***

/s/ Patrick J. Lanciotti

Patrick J. Lanciotti
NAPOLI SHKOLNIK PLLC
360 Lexington Avenue, 11th Floor
New York, NY, 10017
(212) 397-1000
planciotti@napolilaw.com

ATTORNEYS FOR BELLWETHER II PLAINTIFFS